

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**MOMODOU NJIE,**

**Petitioner**

**v.**

**MARY SABOL, *ET AL.*,**

**Respondents**

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**CIVIL NO. 3:CV-11-0076**

**(Judge Caputo)**

**O R D E R**

**THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:**

On January 12, 2011, Momodou Njie, a native and citizen of Gambia, filed the above petition for writ of habeas corpus pursuant to [28 U.S.C. § 2241](#) while a detainee of U.S. Immigration and Customs Enforcement (ICE) housed at the York County Prison, York, Pennsylvania.<sup>1</sup> Mr. Njie challenged his continued post-final-order detention in accordance with [Zadvydas v. Davis](#), 533 U.S. 678, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001). Petitioner alleged that he has been held in ICE custody in excess of six (6) months and that there is no significant likelihood that ICE will be able to remove him from this country to Gambia within the reasonably foreseeable future. As such, Mr. Njie argued that his continued detention is a violation of his substantive and procedural due process rights. As relief, Mr. Njie requested that he be released from custody pending his removal from the United States.

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<sup>1</sup> Mr. Njie did not notify the Court of his change of address. Respondents report he is presently confined at the Prince George's County Correctional Center, 13400 Dille Drive, Upper Marlboro, MD 20772. See Doc. 4.

On February 4, 2011, the Respondent filed a Response to the petition noting that Mr. Njie was released from ICE custody on December 2, 2010, and was transferred to state law enforcement authorities of Prince George's County, Maryland pursuant to a warrant for a probation violation. Doc. 4, Resp. to Habeas Pet.

As such, Mr. Njie is not presently in ICE custody and it is impossible for the Court to grant the relief requested: release from ICE custody. Therefore, the Court will dismiss the petition for writ of habeas corpus as moot. See [Novas v. ICE, 303 F. App'x 115, 118 n. 3 \(3d Cir. 2008\)](#) (release from ICE custody moots habeas petition solely addressing the detention issue.)

ACCORDINGLY, this 9th day of FEBRUARY, 2011, it is ORDERED that:

1. The petition for writ of habeas corpus (doc. 1) is dismissed as moot.
2. The Clerk of Court is directed to close this file.
3. The Clerk of Court is to send a copy of this Order to Mr. Njie's present address as reflected in footnote 1.

/s/ A. Richard Caputo  
**A. RICHARD CAPUTO**  
**United States District Judge**